

**IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF MONTANA
GREAT FALLS DIVISION**

UNITED STATES OF AMERICA,

Plaintiff,

vs.

ARTHUR DION LONGEE,

Defendant.

CR 12-40-GF-BMM

ORDER

This case was referred to United States Magistrate Judge John Johnston for a revocation hearing and findings and recommendations. Judge Johnston entered his Findings and Recommendations on November 8, 2016. Defendant admitted that he had violated the conditions of his supervised release by failing to report for substance abuse testing, by failing to report for substance abuse treatment, by failing to successfully complete a sex offender treatment program, and by using methamphetamine. Judge Johnston found the admissions sufficient to establish the alleged supervised release violations. Judge Johnston recommended that this Court revoke Defendant's supervised release and commit him to the custody of the United States Bureau of Prisons for a term of imprisonment of seven months, with 105 months of supervised release to follow.

Defendant filed a timely objection. (Doc. 79). Defendant objects to the recommended term of custody of seven months. Defendant requests that the Court impose a sentence of five months imprisonment followed by two months of home confinement. (Doc. 79 at 3). The Court reviews *de novo* findings and recommendations to which a defendant objects. 28 U.S.C. § 636(b)(1).

Findings and recommendations to which no objection is made are reviewed for clear error. *McDonnell Douglas Corp. Commadore Bus. Mach, Inc.*, 656 F.2d 1309, 1319 (9th Cir. 1981). For the reasons stated below, this Court adopts Judge Johnston's Findings and Recommendations.

Defendant could be incarcerated for up to 24 months, followed by 112 months of supervised release less any custody time imposed. The United States sentencing guidelines call for a term of imprisonment of three to nine months. The Court finds that a term of imprisonment of 7 months, followed by 105 months of supervised release to be an appropriate sentence. A period of custody is warranted because this is the third time Defendant has violated the terms of his supervised release. A lengthy period of supervision is appropriate because it will help Defendant find employment and develop life skills, and it will provide Defendant the support and structure needed to address his substance abuse

problem.

IT IS ORDERED that Judge Johnston's Findings and Recommendations (Doc. 78) are ADOPTED in full. Judgment shall be entered accordingly.

DATED this 28th day of November, 2016.



Brian Morris
United States District Court Judge